

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYNTHIA H. CATERSON,

Plaintiff,

vs.

THE LYNNWOOD POLICE  
DEPARTMENT, *et al.*,

Defendants.

No. C04-1571L

ORDER GRANTING IN PART  
PLAINTIFF'S MOTIONS IN  
LIMINE

This matter comes before the Court on "Plaintiff's Motions in Limine." Dkt. # 50. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

(1) Defendants do not oppose plaintiff's motion to the extent it seeks to exclude evidence regarding the determination of the Equal Employment Opportunity Commission ("EEOC") regarding plaintiff's administrative complaint. Neither the determination nor any testimony regarding the EEOC's findings (as opposed to statements made to the EEOC as part of the investigative process) will be admitted at trial.

(2) Evidence of discussions between the parties regarding settlement efforts in this matter shall not be admitted at trial.

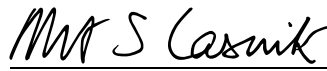
1 (3) As a general matter, witnesses and exhibits that were not disclosed during discovery  
2 and listed in the parties' pretrial submissions shall not be presented at trial except as needed for  
3 rebuttal or impeachment purposes. Defendants' objections to the admission of plaintiff's  
4 journals and the testimony of Robert Moss are considered elsewhere.

5 (4) Defendants have agreed to provide to plaintiff all Mobile Data Computer  
6 communications for all Lynnwood patrol officers for 2003 and 2004. Plaintiff's motion in  
7 limine regarding these communications is, therefore, moot.

8 (5) Whether defendants will be permitted to present plaintiff's cell phone records in an  
9 attempt to show that plaintiff's use of her personal phone while on duty was extraordinary will  
10 be determined at trial in light of the remainder of the record and the context in which the  
11 evidence is offered.

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13 For all of the foregoing reasons, plaintiff's motions in limine are GRANTED in  
14 part and DENIED in part.

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16 DATED this 22nd day of November, 2005.

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19 Robert S. Lasnik  
20 United States District Judge  
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